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Forty-second session
Agenda item 4

REVIEW OF FURTHER DEVELOPMENTS IN FIELDS WITH WHICH THE SUB-COMMISSION HAS BEEN CONCERNED

Draft decision submitted by Mr. Despouy

Preliminary report on the right to freedom of opinion and expression

The Sub-Commission on Prevention of Discrimination and Protection of Minorities takes note with appreciation of the preliminary report on the right to freedom of opinion and expression submitted by Messrs. Louis Joinet and Danilo Türk (E/CN.4/Sub.2/1990/11) and decides to continue consideration of this report at its forty-third session under item 4, "Review of further developments in fields with which the Sub-Commission has been concerned".

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Agenda item 15

DISCRIMINATION AGAINST INDIGENOUS PEOPLES

Draft resolution submitted by Ms. Bautista, Mr. van Boven, Mr. Despouy, Ms. Palley and Ms. Warzazi

Relocation of Navajo and Hopi families

The Sub-Commission on Prevention of Discrimination and Protection of Minorities,

Recalling its decisions 1987/110 of 4 December 1987 and 1988/105 of 1 September 1988 and the reports of two of its members on the relocation of Navajo and Hopi families in the United States (E/CN.4/Sub.2/1989/35, Part I, and Part II and Add.1),

Guided by its resolution 1989/37 of 1 September 1989, which welcomed the initiatives taken by the Navajo Nation and Hopi Tribe to resolve this situation by agreement,

Appreciating the recent positive co-operation between the Navajo Nation and Hopi Tribe regarding coal and water use, legislation on ancient burial sites, the Navajo-Hopi airport project, and the establishment of the joint Navajo-Hopi Relocation Task Team,

READEX

Having examined the report of the eighth session of the Working Group on Indigenous Populations (E/CN.4/Sub.2/1990/42),

Conscious of the complex historical factors which are responsible for the present situation,

Mindful of the role the United Nations could play in facilitating the resolution of situations involving indigenous peoples,

1. Welcomes the initiatives recently taken by the Navajo Nation and Hopi Tribe to work together on issues of mutual concern;

2. Encourages the Navajo Nation and the Hopi Tribe to pursue further the initiatives they have taken to resolve the relocation situation by agreement, with the effective participation of the families and communities affected in the negotiation and implementation of any settlement;

3. Reiterates its belief that human rights and fundamental freedoms must be respected by institutions of local, internal or autonomous self-government, no less than by States;

4. Requests its Chairman to convey copies of this resolution to the interested parties along with assurances of the continuing interest of the Sub-Commission in an early and equitable resolution of the situation.

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Agenda item 15

DISCRIMINATION AGAINST INDIGENOUS PEOPLES

Draft resolution submitted by Mr. Alfonso Martinez, Mrs. Daes and Mr. Türk

1990/ . Economic and social relations between indigenous peoples and States

The Sub-Commission on Prevention of Discrimination and Protection of Minorities,

Reaffirming its resolution 1989/35 of 1 September 1989, by which it recommended that the Secretary-General be authorized to consider requests from indigenous peoples' organizations for technical assistance in the fields of human rights, development, and the environment,

Recalling also its decision 1989/112 of 1 September 1989, by which it recommended the agenda and working methods for the meeting of experts on indigenous self-government, which was authorized by General Assembly resolution 42/47 of 30 November 1987,

Recalling that Economic and Social Council decision 1990/238 of 25 May 1990 approved the convening of a United Nations technical conference on achieving environmentally sound and sustainable self-development for indigenous peoples,

Noting the preparations which are being made for the United Nations Conference on Environment and Development, to be convened in 1992,

Guided by the conclusions and recommendations of the seminar on the effects of racism and racial discrimination on the social and economic relations between indigenous peoples and States (E/CN.4/1989/22),

Mindful of the provisions of Convention No. 169 of the International Labour Organisation, in particular with regard to the right of indigenous peoples to control their own economic, social, and cultural development,

Convinced that a principal means of strengthening indigenous peoples' enjoyment of their fundamental rights, in accordance with the Declaration on the Right to Development, is to increase their direct participation in the planning, implementation and benefits of all forms of development which may affect them,

Convinced also that exchanges of practical experiences and examples, through seminars and meetings involving experts from both Governments and indigenous peoples' organizations, will help promote the wider adoption of successful measures for the realization of indigenous peoples' rights, and mobilize international co-operation for this purpose,

Conscious that indigenous peoples occupy and use many of the world's most fragile ecosystems, depend upon these ecosystems for their survival and development, and possess irreplaceable knowledge of them,

Believing that indigenous peoples must play a central role as users and managers of such ecosystems,

Having examined with interest the report and relevant recommendations of the Working Group on Indigenous Populations (E/CN.4/Sub.2/1990/42),

1. Recommends that the United Nations Conference on Environment and Development provide indigenous peoples' organizations with effective means of participating directly in its work, and that any new conventions which may be adopted regarding biodiversity, or conserving renewable resources, provide explicitly for the role of indigenous peoples as resource users and managers, and for the protection of indigenous peoples' right to control of their own traditional knowledge of ecosystems;

2. Invites the Special Rapporteur on human rights and the environment, Ms. Ksentini, to take into account the special relationship between fragile habitats and indigenous peoples, especially with respect to sustainability, and also invites the Special Rapporteur on compensation for human rights violations, Mr. van Boven, to address indigenous concerns in his forthcoming reports to the Sub-Commission;

3. Requests the Secretary-General to:

(a) Convene, as soon as possible, the meeting of experts on indigenous self-government, and the technical conference on achieving environmentally sound and sustainable self-development for indigenous peoples, and to include indigenous experts among the invitees in accordance with existing practice;

(b) Bring this resolution to the attention of the Secretary-General of the United Nations Conference on Environment and Development and chairman of the Preparatory Committee for the Conference, drawing their attention in particular to the recommendations contained in paragraph 1, and invite them to indicate what steps they may be able to take in accordance with those recommendations;

(c) Arrange for the Centre for Human Rights to enter into discussions with United Nations operational programmes in development and environment, regarding possible mechanisms and guidelines for promoting the rights of indigenous peoples through their direct participation in the planning and implementation of projects;

(d) Invite the World Intellectual Property Organization to prepare, in consultation with other appropriate specialized agencies and indigenous peoples' organizations, recommendations concerning the protection of the intellectual property of indigenous peoples, for discussion at the Working Group's ninth session;

(e) Submit a report to its forty-third session on the measures taken to implement this resolution, and the results achieved.

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Forty-second session
Agenda item 15

DISCRIMINATION AGAINST INDIGENOUS PEOPLES

Draft resolution submitted by Ms. Daes, Mr. Hatano, Mr. Alfonso Martinez, Mrs. Mbonu and Mr. Türk

Study on treaties, agreements and other constructive arrangements between States and indigenous populations

The Sub-Commission on Prevention of Discrimination and Protection of Peoples,

Having examined the report of its Working Group on Indigenous Populations on its eighth session (E/CN.4/Sub.2/1990/42), in particular, the working paper and questionnaire submitted by the Special Rapporteur, Mr. Miguel Alfonso Martinez (annex VI thereof),

1. Takes note of the working paper and questionnaires submitted by the Special Rapporteur;

2. Requests the Secretary-General to submit the above-mentioned questionnaires to all Governments, intergovernmental organizations and non-governmental organizations, as well as to indigenous organizations and/or

representatives of indigenous peoples who have attended the sessions of its Working Group, requesting them to submit to the Special Rapporteur any information they would consider useful for the report not later, if possible, than 30 April 1991;

3. Requests the Special Rapporteur to submit a preliminary report on his study to the Working Group at its ninth session and to the Sub-Commission at its forty-third session;

4. Requests the Secretary-General to provide the Special Rapporteur with all the assistance to carry out his study in particular the necessary consultancy originally foreseen and a study trip to both Washington and Seville.

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Forty-second session
Agenda item 8

THE REALIZATION OF ECONOMIC, SOCIAL AND CULTURAL RIGHTS

Draft resolution submitted by Mr. van Boven

1990/... The human rights dimensions of population transfer

The Sub-Commission on Prevention of Discrimination and Protection of Minorities,

Considering that mass population movements, particularly where induced or conducted by government authorities, invariably have serious consequences for the enjoyment of the human rights of the populations affected,

Recalling the Universal Declaration on Human Rights, in particular the right to freedom of movement and the right to choose one's residence (article 13), the right to an adequate standard of living (article 25) and the right to security of persons (article 3),

Mindful of General Comment No. 2 (1990) of the United Nations Committee on Economic, Social and Cultural Rights which provides, inter alia, that "... international agencies should scrupulously avoid involvement in projects which, for example ... promote or reinforce discrimination against individuals or groups contrary to the provisions of the Covenant, or involve large-scale evictions or displacement of persons ...",

Noting with interest the adoption by the World Bank of guidelines and operational directives concerning the involuntary resettlement of people,

Conscious that the transfer of people may be motivated by strategies aimed at reshaping the demographic composition of particular territories,

Also conscious that this practice is often a significant factor in ethnic conflicts and unrest which contribute to further social, economic, political and cultural instability,

Concerned that the involuntary movement of people is often achieved without the free and informed consent of the people being moved or of the people into whose territory they are being moved,

Decides to consider the matter, especially the human rights dimensions of population transfer, at its future sessions under the agenda item "The realization of economic, social and cultural rights".

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Agenda item 15

DISCRIMINATION AGAINST INDIGENOUS PEOPLES

Draft resolution submitted by Mr. Alfonso Martinez,
Ms. Daes and Mr. Türk

1990/ . International year of the world's indigenous peoples

The Sub-Commission on Prevention of Discrimination and Protection of Minorities,

Recalling its recommendation, by its resolution 1988/19 of 1 September 1988, that an international year for the promotion of indigenous rights be proclaimed in 1993,

Recalling also its resolution 1989/36 of 1 September 1989, by which it entrusted two of its members, Mr. Eide and Ms. Mbonu, with the task of preparing a working paper on possible United Nations activities for an international year for indigenous rights, with an explicit focus on the development process and on promoting international co-operation with indigenous peoples,

Taking note of the recommendation by the Economic and Social Council, in its decision 1990/248 of 25 May 1990, that the General Assembly proclaim an international year for the world's indigenous people,

Having examined with appreciation the working paper prepared by Mr. Eide and Ms. Mbonu (E/CN.4/Sub.2/1990/41),

Convinced that all United Nations programmes and specialized agencies can make practical contributions to protecting the rights and improving the conditions of indigenous peoples, particularly in the developing countries, through direct co-operation with indigenous peoples organizations,

1. Expresses its appreciation to Mr. Eide and Ms. Mbonu for their excellent working paper (E/CN.4/Sub.2/1990/41) on possible United Nations activities to be undertaken in connection with such a year, if it is approved by the General Assembly, and expresses its belief that their recommendations form a good basis for future action;

2. Reaffirms the recommendations contained in its resolution 1989/36 of 1 September 1989, regarding the timing, aims, and administration of such a year;

3. Requests the Secretary-General:

(a) To transmit the working paper of Mr. Eide and Ms. Mbonu, through the Commission on Human Rights, to the Economic and Social Council;

(b) To bring the working paper, together with the recommendations contained in its resolution 1989/36, to the attention of the forty-fifth session of the General Assembly in connection with its consideration of Economic and Social Council resolution 1990/248;

(c) To report to the forty-third session of the Sub-Commission on the disposition of the recommendations contained in Economic and Social Council decision 1990/248, Sub-Commission resolution 1989/36, and the present resolution;

4. Requests Mr. Eide and Ms. Mbonu to submit, at its forty-third session, a second working paper providing more specific suggestions for activities that might be carried out at the national and international levels, indicating the geographical scope and the relevant groups which should be encouraged to participate in the activities of the year;

5. Further requests Mr. Eide and Ms. Mbonu to evaluate the achievements made when the programme has been carried out, at the end of the international year.

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Agenda item 4

REVIEW OF FURTHER DEVELOPMENTS IN FIELDS WITH WHICH THE SUB-COMMISSION HAS BEEN CONCERNED

Draft decision submitted by Mr. Alfonso Martínez, Ms. Bautista, Mr. van Boven, Ms. Daes, Mr. Eide, Mr. Guisse, Mr. Hatano, Mr. Heller, Mr. Ilkahanaf, Mr. Joinet, Ms. Ksentini, Mr. Maxim, Mrs. Mbonu, Ms. Palley, Mr. Sachar, Mr. Sadi, Mr. Suescún Monroy, Mr. Treat, Ms. Warazazi and Mr. Yimer

Review of further developments World Conference on Human Rights

At its meeting, on ... August 1990, the Sub-Commission, recalling General Assembly resolution 44/156 of 15 December 1989, decided to submit document E/CN.4/Sub.2/1990/NGO/3 to the Secretary-General to be studied within the framework of the definition of objectives and modalities of a World Conference on Human Rights.

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Agenda item 4

REVIEW OF FURTHER DEVELOPMENTS IN FIELDS WITH WHICH THE SUB-COMMISSION HAS BEEN CONCERNED

Administrative and programme budget implications of the draft resolution contained in document E/CN.4/Sub.2/1990/L.26

Statement submitted by the Secretary-General in accordance with rule 28 of the rules of procedure of the functional commissions of the Economic and Social Council

A. Requests contained in the draft resolution

1. By operative paragraphs 2 and 3 of draft resolution E/CN.4/Sub.2/1990/L.26, the Sub-Commission requests Mr. T. van Boven to prepare for its forty-third session, a progress report on the subject-matter, taking into account comments made in the discussion on the preliminary report at its forty-second session as well as the relevant work and recommendations of the Committee on Crime Prevention and Control, as requested in Economic and Social Council resolution 1990/22 of 24 May 1990, and undertake for this purpose the necessary consultations with the United Nations Centre for Social Development and Humanitarian Affairs. It further requests that the Secretary-General provide all assistance required by the Special Rapporteur to carry out his study.

B. Relationship of requests to programme of work

2. The activities referred to above fall under chapter 6, section II, "Programme: Centre for Human Rights", subprogramme 4, "Standard setting, research and studies", the objectives of and the strategy for which are described in paragraphs 6.38 and 6.40 of the medium-term plan for the period 1984-1989 (A/37/6) as extended through 1991 (A/43/6 and Corr.1).

3. The activity is included in the programme budget for the biennium 1990-1991 under the following programme element of section 23 (Human Rights):

Programme element 4.2 - Research and studies

Intermediate Output: Assistance to Special Rapporteurs or experts for the preparation of 15 reports, studies and working papers mandated by policy-making organs.

C. Activities by which the requests would be implemented

4. In order to carry out the requests contained in the draft resolution, the following activities are envisaged. These activities are based on a basic plan that the Special Rapporteur proposes to follow in the carrying out of his mandate. This plan represents a tentative outline; the Special Rapporteur may therefore require additional resources in the implementation of his mandate, although every effort will be made to keep within the parameters set out in this document. Reference is made, in this connection, to paragraphs 6 and 7 of the preliminary report where the Special Rapporteur gives further indication of his plan for the study, in particular, that relating to the continuation of the study up to the forty-fourth session in 1992. Programme budget implications given in the present document relate to the first phase of that plan, i.e. to provide for the preparation of the preliminary report due for submission to the Sub-Commission at its forty-third session in 1991.

(a) The outline of the report as contained in the Annex of the preliminary report (E/CN.4/Sub.2/1990/10) will necessitate the provision of specialized knowledge combining, in particular, international law, penal law, humanitarian law and constitutional law. This would envisage the engagement of the services of such a specialist for a duration of approximately three months to assist the Centre for Human Rights in providing the research support required.

(b) The Special Rapporteur is required to undertake consultations with the United Nations Centre for Social Development and Humanitarian Affairs in Vienna. It is anticipated that this would require a visit to Vienna for an estimated duration of four working days.

(c) Consultations by the Special Rapporteur with the Centre for Human Rights at Geneva are estimated to take place for a period of five working days in 1991.

D. Modifications required in the programme of work

5. No modification is required in the programme of work approved for 1990-1991, since this activity appears under programme element 4.2.

E. Additional requirements at full cost

6. The estimated cost of the programme of work is itemized as follows:

	1991 (US dollars)
One round trip to Geneva in 1991 of the Special Rapporteur for consultations with the Centre (5 working days)	
Travel and subsistence	2 000
One round trip to Vienna in 1991 of the Special Rapporteur for consultations with the United Nations Centre for Social Development and Humanitarian Affairs (4 working days)	
Travel and subsistence	2 100
General Temporary Assistance	
3 work-months at the P-3 level	20 800
	24 900

7. The relevant costs to be financed under section 23 (Human Rights) are estimated at $24,900 for 1991.

F. Potential for absorption

8. This resolution is considered to be within the scope of perennial activities and resources will normally be provided under section 23 (Human Rights).

9. A decision as to whether this draft resolution could be implemented from within existing resources or additional appropriation would be required to be taken at the level of the Commission on Human Rights for further submission to the Economic and Social Council.

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Agenda item 10 (d)

THE ADMINISTRATION OF JUSTICE AND THE HUMAN RIGHTS OF DETAINEES

THE RIGHT TO A FAIR TRIAL

Administrative and programme budget implications of the draft resolution contained in document E/CN.4/Sub.2/1990/L.27

Statement submitted by the Secretary-General in accordance with rule 28 of the rules of procedure of the functional commissions of the Economic and Social Council

A. Requests contained in the draft resolution

1. By operative paragraphs 2 and 3 of draft resolution E/CN.4/Sub.2/1990/L.27, to be adopted by the Commission on Human Rights, it would be decided to entrust to Mr. Stanislav Chernichenko and Mr. William Treat, the preparation of a study entitled "The right to a fair trial: current recognition and measures necessary for its strengthening", and request the Secretary-General to provide the two Special Rapporteurs with all the assistance they may require.

B. Relationship of requests to programme of work

2. The activities referred to above fall under chapter 6, section II, "Programme: Centre for Human Rights", subprogramme 4, "Standard setting, research and studies", the objectives of and the strategy for which are described in paragraphs 6.38 and 6.40 of the medium-term plan for the period 1984-1989 (A/37/6) as extended through 1991 (A/43/6 and Corr.1).

3. The activity is included in the programme budget for the biennium 1990-1991 under the following programme element of section 23 (Human Rights):

Programme element 4.2	-	Research and studies
Intermediate output:		Assistance to Special Rapporteurs or experts for the preparation of 15 reports, studies and working papers mandated by policy-making organs.

C. Activities by which the requests would be implemented

4. In order to carry out the requests contained in the draft resolution, the following activities are envisaged. These activities are based on a basic plan that the Special Rapporteurs propose to follow in the carrying out of their mandate. This plan represents a tentative outline; the Special Rapporteurs may therefore require additional resources in the implementation of their mandate, although every effort will be made to keep within the parameters set out in this document. Reference is made, in this connection, to paragraphs 41, 49, 50, 51, 52, 55, 56, 146 and following of the preliminary report where the Special Rapporteurs give further indication of their plan for the study. Also pertinent is the request in the draft resolution requiring submission to the Commission on Human Rights at its forty-eighth session (1992). Programme budget implications given in the present document relate to the first phase of that plan, i.e. to provide for the preparation of the preliminary report due for submission to the Sub-Commission at its forty-third session in 1991.

(a) The description of the report as contained in the preliminary report (E/CN.4/Sub.2/1990/34) will necessitate extensive research and the processing of information obtained also in response to the questionnaire referred to in the report and the draft resolution. As stated in the draft resolution, this study is intended to develop into a model code of international standards containing basic guarantees necessary for a fair trial. This is anticipated to entail the provision of adequate computerized facilities, including access to specialized data banks. This would require the engagement of a specialist in computerized research technology for a duration of approximately six months to assist the Centre for Human Rights in providing the research support required.

(b) Consultations by the Special Rapporteurs with the Centre for Human Rights at Geneva are estimated to take place for a period of five working days in 1991.

D. Modifications required in the programme of work

5. No modification is required in the programme of work approved for 1990-1991, since this activity appears under programme element 4.2.

E. Additional requirements at full cost

6. The estimated cost of the programme of work is itemized as follows:

	1991 (US dollars)
One round trip to Geneva in 1991 of the two Special Rapporteurs for consultations with the Centre for Human Rights (5 working days)	
Travel and subsistence	6 400
General Temporary Assistance	
6 work-months at the P-3 level	41 600
	48 000

7. The relevant costs to be financed under section 23 (Human Rights) are estimated at $48,000 for 1991.

F. Potential for absorption

8. This resolution is considered to be within the scope of perennial activities and resources will normally be provided under section 23 (Human Rights).

9. A decision as to whether this draft resolution could be implemented from within existing resources or additional appropriations would be required to be taken at the level of the Commission on Human Rights for further submission to the Economic and Social Council.

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Agenda item 10 (b)

THE ADMINISTRATION OF JUSTICE AND THE HUMAN RIGHTS OF DETAINEES

QUESTION OF HUMAN RIGHTS AND STATES OF EMERGENCY

Administrative and programme budget implications of the draft resolution contained in document E/CN.4/Sub.2/1990/L.30

Statement submitted by the Secretary-General in accordance with rule 28 of the rules of procedure of the functional commissions of the Economic and Social Council

A. Requests contained in the draft resolution

1. By operative paragraphs 7 and 8 of draft resolution E/CN.4/Sub.2/1990/L.30, the Sub-Commission would invite the Special Rapporteur, Mr. L. Despouy, to continue the work with which he has been entrusted and to present to the Sub-Commission, at its forty-third session, the next annual report and list updated on the basis of the information received and to update his present report so that the Commission on Human Rights, at its forty-seventh session, will have before it the most recent and accurate information available. It would further request the Secretary-General to give the Special Rapporteur all the assistance he may require in order to enable him to carry out his work successfully; and in particular to respond in an effective way to the information submitted to him.

B. Relationship of requests to programme of work

2. The activities referred to above fall under chapter 6, section II, "Programme: Centre for Human Rights", subprogramme 4, "Standard-setting, research and studies", the objectives of and the strategy for which are described in paragraphs 6.38 and 6.40 of the medium-term plan for the period 1984-1989 (A/37/6) as extended through 1991 (A/43/6 and Corr.1).

3. The activity is included in the programme budget for the biennium 1990-1991 under the following programme element of section 23 (Human Rights):

Programme element 4.2 -	Research and studies
Output: (vii)	Preparation of two reports for submission to the Sub-Commission by the Special Rapporteur on the question of human rights and states of emergency

C. Activities by which the requests would be implemented

4. In order to carry out the requests contained in the draft resolution, the following activities are envisaged. These activities are based on a basic plan that the Special Rapporteur proposes to follow in the carrying out of his mandate. This plan is based on the methodology followed thus far by the Special Rapporteur, as described in chaper I of his third report which was originally prepared for the Sub-Commission at its forty-first session (E/CN.4/Sub.2/1989/30/Rev.1), and updated for the Commission on Human Rights at its forty-sixth session (1990) and for the present session of the Sub-Commission.

(a) The draft resolution invites the Special Rapporteur to continue his work and the Secretary-General is requested to give the Special Rapporteur all the assistance he may require to enable him to carry out his work successfully and in particular to respond in an effective manner to the information submitted to him. As stated in his report (chapter III: Remarks and Observations), the Special Rapporteur has experienced problems in carrying out his mandate given the volume of work involved and the anticipated considerable increase in the flow of information requiring analysis. The Special Rapporteur will require the organization of the voluminous information he receives through the application of computer technology. The Special Rapporteur will therefore require additional resources in the implementation of his mandate. It is estimated that to support the Special Rapporteur, specialized assistance will be required for approximately 10 months, in addition to secretarial assistance for the same period.

(b) In the light of the experience made by the Special Rapporteur to date, as reflected in his report, it will also be required to provide him with specialized professional support in the form of an expert in international and constitutional law and practice.

(c) Consultations by the Special Rapporteur with the Centre for Human Rights at Geneva are estimated to take place for a period of five working days in 1991.

D. Modifications required in the programme of work

5. No modification is required in the programme of work approved for 1990-1991, since this activity appears under programme element 4.2.

E. Additional requirements at full cost

6. The estimated cost of the programme of work is itemized as follows:

	1991 (US dollars)
One round trip to Geneva in 1991 of the Special Rapporteur for consultations with the Centre for Human Rights (5 working days)	
Travel and subsistence	4 600
General Temporary Assistance	
10 work-months at the P-3 level	69 500
10 work-months at the GS level	46 500
Consultancy Services	
6 work-months at the P-4 level	50 300
	170 900

7. The relevant costs to be financed under section 23 (Human Rights) are estimated at $170,900 for 1991.

F. Potential for absorption

8. This resolution is considered to be within the scope of perennial activities and resources will normally be provided under section 23 (Human Rights).

9. A decision as to whether this draft resolution could be implemented from within existing resources or additional appropriations would be required to be taken at the level of the Commision on Human Rights for further submission to the Economic and Social Council.

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Forty-second session
Agenda item 4

REVIEW OF FURTHER DEVELOPMENTS IN FIELDS WITH WHICH THE SUB-COMMISSION HAS BEEN CONCERNED

Administrative and programme budget implications of the draft resolution contained in document E/CN.4/Sub.2/1990/L.33

Statement submitted by the Secretary-General in accordance with rule 28 of the rules of procedure of the functional commissions of the Economic and Social Council

A. Requests contained in the draft resolution

1. By operative paragraphs 3 and 4 of draft resolution E/CN.4/Sub.2/1990/L.33, to be adopted by the Commission on Human Rights, it would be recommended to the Preparatory Committee for the United Nations Conference on Environment and Development that Mrs. Ksentini be invited to participate as an observer at the sessions of the Preparatory Committee and the Conference and would further approve the endorsement of the appointment of Mrs. Fatma Zohra Ksentini to prepare a study on human rights and the environment and would request the Secretary-General to provide her with all of the assistance she may need for the completion of this task.

B. Relationship of requests to programme of work

2. The activities referred to above fall under chapter 6, section II, "Programme: Centre for Human Rights", subprogramme 4, "Standard setting, research and studies", the objectives of and the strategy for which are described in paragraphs 6.38 and 6.40 of the medium-term plan for the period 1984-1989 (A/37/6) as extended through 1991 (A/43/6 and Corr.1).

3. A new output would have to be added in the programme budget for the biennium 1990-1991 under the following programme element of section 23 (Human Rights):

Programme element 4.2 -		Research and studies
Output:	(xvi)	Preparation of a study on human rights and the environment

C. Activities by which the requests would be implemented

4. In order to carry out the requests contained in the draft resolution, the following activities are envisaged. These activities are based on a basic plan that the Special Rapporteur proposes to follow in the carrying out of her mandate. This plan represents a tentative outline; the Special Rapporteur may therefore require additional resources in the implementation of her mandate, although every effort will be made to keep within the parameters set out in this document. Reference is made, in this connection, to Chapter II of the document prepared by the Special Rapporteur (E/CN.4/Sub.2/1990/12) describing the methodology that the Special Rapporteur proposes to follow, and, in particular, paragraphs 40 and 41 containing the author's recommendations. The Special Rapporteur is requested to present a preliminary report to the Sub-Commission at its forty-third session (1991), with a view to making a timely contribution to the Preparatory Committee of the United Nations Conference on Environment and Development; the draft resolution recommends to the Preparatory Committee to invite the Special Rapporteur to participate as an observer at its sessions and at the Conference.

(a) The outline of the report as contained in the concise note (E/CN.4/Sub.2/1990/12), and the need to co-ordinate the study with the schedule of the preparatory process of the United Nations Conference on the Environment and Development will necessitate a more concentrated time frame, as distinct from the customary three-year cycle usually followed in the preparation of such studies. Furthermore, the nature of the subject of the study will require the provision of specialized knowledge combining, in particular, international law and environmental questions. This would envisage the engagement of the services of such a specialist for a duration of approximately three months to assist the Centre for Human Rights in providing the research support required.

(b) The Special Rapporteur is required to participate as an observer at the meetings of the Preparatory Committee of the United Nations Conference on the Environment and Development. The Preparatory Committee is scheduled to hold three sessions in Geneva and in New York and the Conference itself is due to take place in Brazil in 1992.

(c) Consultations by the Special Rapporteur with the Centre for Human Rights at Geneva are estimated to take place for a period of five working days in 1991.

D. Modifications required in the programme of work

5. A new output would be added to the text of Section 23 (Human Rights) of the proposed programme budget for the biennium 1990-1991.

E. Additional requirements at full cost

6. The estimated cost of the programme of work is itemized as follows:

	1991	1992
	(US dollars)	
Two round trips of the Special Rapporteur to attend two preparatory conferences in Geneva in 1991 (3 weeks each time)		
Travel and subsistence	9 400	
One round trip of the Special Rapporteur to attend the final preparatory conference in New York in 1991 (3 weeks' duration)		
Travel and subsistence	7 800	
One round trip of the Special Rapporteur to attend the conference in Brazil in 1992 (2 weeks' duration)		
Travel and subsistence		4 400
Consultancy Services		
3 work-months at the P-4 level	25 200	
	42 400	4 400

7. The relevant costs to be financed under section 23 (Human Rights) are estimated at $42,400 for 1991 and $4,400 for 1992.

F. Potential for absorption

8. The decision as to whether this resolution could be implemented - either from existing resources, or be requested from the contingency fund, or through modifications of existing activities, or termination or postponement of low priority activities, would have to be taken at the level of the Commission on Human Rights for further submission to the Economic and Social Council.

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Forty-second session
Agenda item 8

THE REALIZATION OF ECONOMIC, SOCIAL AND CULTURAL RIGHTS

Administrative and programme budget implications of the draft resolution contained in document E/CN.4/Sub.2/1990/L.37

Statement submitted by the Secretary-General in accordance with rule 28 of the rules of procedure of the functional commissions of the Economic and Social Council

A. Requests contained in the draft resolution

1. By operative paragraph 3 of draft resolution E/CN.4/Sub.2/1990/L.37, the Sub-Commission would request the Special Rapporteur, Mr. Danilo Türk, to prepare a second progress report on the realization of economic, social and cultural rights, taking into account all comments made in the discussion on the progress report at the forty-second session of the Sub-Commission. By operative paragraph 4, he would be encouraged to establish direct contact with the international financial institutions as well as United Nations agencies utilizing social and economic indicators relevant to the current data and study. By operative paragraph 6, the Secretary-General would be requested to organize a seminar under the United Nations programme of human rights activities in 1992-1993 for discussion of appropriate indicators to measure achievements in the progressive realization of economic, social and cultural rights.

B. Relationship of requests to programme of work

2. The activities referred to above fall under chapter 6, section II, "Programme: Centre for Human Rights", subprogramme 4, "Standard setting, research and studies", the objectives of and the strategy for which are described in paragraphs 6.38 and 6.40 of the medium-term plan for the period 1984-1989 (A/37/6) as extended through 1991 (A/43/6 and Corr.1).

3. The activity is included in the programme budget for the biennium 1990-1991 under the following programme element of section 23 (Human Rights):

Programme element 4.2 -	Research and studies
Intermediate output:	Assistance to Special Rapporteurs or experts for the preparation of 15 reports, studies and working papers mandated by policy-making organs

C. Activities by which the requests would be implemented

4. In order to carry out the requests contained in the draft resolution, the following activities are envisaged. These activities are based on the methodology thus far followed by the Special Rapporteur and proposes to follow in carrying out his mandate. The Special Rapporteur elaborates his plans further in the progress report presented to the Sub-Commission (E/CN.4/Sub.2/1990/19), particularly in Chapter IV - Preliminary Recommendations - which are endorsed in the draft resolution. This represents a tentative outline; the Special Rapporteur may therefore require additional resources in the implementation of his mandate, although every effort will be made to keep within the parameters set out in this document. The draft resolution requests the Special Rapporteur to prepare a second progress report. A final report would be anticipated for the following session. The programme budget implications given in the present document relate to the first phase of that plan, i.e. to provide for the preparation of the second progress report due for submission to the Sub-Commission at its forty-third session in 1991.

(a) The draft resolution requests the Secretary-General to provide the Special Rapporteur with the necessary expert assistance to help him in analysing the data collected. The expertise required would have to provide knowledge and experience in data processing including a special knowledge of indicators. This would envisage the engagement of the services of such a specialist for a duration of approximately six months to provide the research support required.

(b) As stated by the Special Rapporteur in the first progress report and reiterated in the draft resolution, the Special Rapporteur plans to establish contacts with international financial institutions and United Nations agencies utilizing social and economic data and indicators. Adequate resources are therefore required to enable the Special Rapporteur to visit the offices of these institutions.

(c) Consultations by the Special Rapporteur with the Centre for Human Rights at Geneva are estimated to take place for a period of five working days in 1991.

(d) The draft resolution also invites the Commission on Human Rights to consider requesting the Secretary-General to organize a seminar in 1992-1993 to discuss appropriate indicators to measure achievements in the progressive realization of economic, social and cultural rights. The programme budget implications of this proposal will be made in the context of the appropriate draft proposal to be put before the Commission on Human Rights at its forty-seventh session (1991).

D. Modifications required in the programme of work

5. No modification is required in the programme of work approved for 1990-1991, since this activity appears under programme element 4.2.

E. Additional requirements at full cost

6. The estimated cost of the programme of work is itemized as follows:

	1991 (US dollars)
Three round trips of the Special Rapporteur to establish contacts with international financial institutions and United Nations agencies (5 working days each time)	
Travel and subsistence */	7 500
One round trip of the Special Rapporteur for consultation with the Centre for Human Rights (5 working days)	
Travel and subsistence	1 900
Consultancy services	
6 work-months at the P-4 level	50 300
	59 700

*/ Calculated on an average cost basis.

7. The relevant costs to be financed under section 23 (Human Rights) are estimated at $59,700 for 1991.

F. Potential for absorption

8. This resolution is considered to be within the scope of perennial activities and resources will normally be provided under section 23 (Human Rights).

9. A decision as to whether this draft resolution could be implemented from within existing resources or additional appropriation would be required to be taken at the level of the Commission on Human Rights for further submission to the Economic and Social Council.

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Forty-second session
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THE REALIZATION OF ECONOMIC, SOCIAL AND CULTURAL RIGHTS

Amendments to draft resolution E/CN.4/Sub.2/1990/L.52
submitted by Ms. Daes

1. Add the following words in the title after the word "transfer": "and the implantation of settlers".

2. Add the following two new preambular paragraphs after preambular paragraph 7:

"Disturbed by reports concerning the implantation of settlers in certain countries, including in particular occupied territories, with the aim to changing the demographic structure of the countries concerned;

Considering that the policy and practice of the implantation of settlers can constitute a serious violation of human rights of the indigenous inhabitants of the countries concerned as well as of the settlers themselves;".

3. Add the following words after the word "transfer" in the operative paragraph:

"and the policy and practice of the implantation of settlers".

4. Replace the word "matter" in the operative paragraph by the words: "above-mentioned matters".

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Agenda item 17

PROMOTION, PROTECTION AND RESTORATION OF HUMAN RIGHTS AT NATIONAL, REGIONAL AND INTERNATIONAL LEVELS

Draft Resolution submitted by Mr. van Boven, Ms. Daes, Mr. Despouy, Mr. Eide, Mr. Joinet, Ms. Palley, Mr. Sachar and Mr. Suescún Monroy

1990/ . Report on human rights and youth prepared by Mr. Dumitru Mazilu

Noting with appreciation the updated report submitted for the first time by Mr. Dumitru Mazilu personally after his long forced absences from our debates,

Further noting the difficult circumstances in which this report was prepared and that the information collected by the Secretary-General relating to the subject has been delivered to Mr. Mazilu only a few weeks ago,

Recalling its debate on this subject during its fortieth, forty-first and forty-second sessions,

Aware of the great importance of the subject of human rights and youth,

1. Decides to request Mr. Mazilu to update and complete his report in the light of the discussion during the Sub-Commission's forty-second session,

the new information collected by the Secretary-General and any other pertinent information;

2. Decides to invite Mr. Mazilu to present his report at its forty-third session;

3. Requests the Secretary-General to continue to gather and furnish to Mr. Mazilu information relating to his study, and to provide Mr. Mazilu with all the assistance he might need in completing his report, including consultation with the Centre for Human Rights.

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Agenda item 4

REVIEW OF FURTHER DEVELOPMENTS IN FIELDS WITH WHICH THE SUB-COMMISSION HAS BEEN CONCERNED

Draft decision submitted by Ms. Daes, Mr. Despouy, Mr. Hatano, Mr. Ilkahanaf, Mr. Khalil, Mrs. Ksentini, Mr. Suescún Monroy, Mr. Treat, Mrs. Warzazi and Mr. Yimer

Preliminary report on the study on problems and causes of discrimination against HIV-infected people or people with AIDS

The Sub-Commission on Prevention of Discrimination and Protection of Minorities takes note with appreciation of the preliminary report on the study on problems and causes of discrimination against HIV-infected people or people with AIDS submitted by Mr. Luis Varela Quiros (E/CN.4/Sub.2/1990/9), decides to request the Secretary-General to give to the Special Rapporteur any assistance he may require to accomplish his work, and decides to continue consideration of the report at its forty-third session under item 4, "Review of further developments in fields with which the Sub-Commission has been concerned".

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Agenda item 15

DISCRIMINATION AGAINST INDIGENOUS PEOPLES

Administrative and programme budget implications of the draft resolution contained in document E/CN.4/Sub.2/1990/L.44

Statement submitted by the Secretary-General in accordance with rule 28 of the rules of procedure of the functional commissions of the Economic and Social Council

A. Requests contained in the draft resolution

1. By operative paragraph 4 of draft resolution E/CN.4/Sub.2/1990/L.44, the Sub-Commission would entrust Mrs. Erica-Irene Daes to prepare a working paper on the question of the ownership and control of the cultural property of indigenous peoples for submission to the ninth session of the Working Group on Indigenous Populations. By paragraphs 5 and 6, the Sub-Commission would request all organs and bodies of the United Nations system with relevant expertise, including UNESCO, to provide the Special Rapporteur with the information and assistance she may require for the completion of this task and would further request the Secretary-General to give the Special Rapporteur all the assistance she requires to carry out her work successfully.

B. Relationship of requests to programme of work

2. The activities referred to above fall under chapter 6, section II, "Programme: Centre for Human Rights", subprogramme 4, "Standard setting, research and studies", the objectives of and the strategy for which are described in paragraphs 6.38 and 6.40 of the medium-term plan for the period 1984-1989 (A/37/6) as extended through 1991 (A/43/6 and Corr.1).

3. The activity is included in the programme budget for the biennium 1990-1991 under the following programme element of section 23 (Human Rights):

Programme element 4.2 -	Research and studies
Intermediate Output:	Assistance to Special Rapporteurs or experts for the preparation of 15 reports, studies and working papers mandated by policy-making organs

C. Activities by which the requests would be implemented

4. The draft resolution is based on the working text of the draft Universal Declaration on the Rights of Indigenous Peoples as contained in Annexes III-V of document E/CN.4/Sub.2/1990/42, in particular, paragraphs 5, 6 and 8.

5. In order to carry out the requests contained in the draft resolution, the following activities are envisaged. These activities are based on a basic plan that the Chairman-Rapporteur of the Working Group on Indigenous Populations proposes to follow in the carrying out of her mandate. To carry out these activities, programme budget implications are foreseen for activity (c) during the period preceding the ninth session of the Working Group on Indigenous Populations:

(a) The main activity which is envisaged is the preparation of a working paper on the question of the ownership and control of the cultural property of indigenous peoples by the Chairman-Rapporteur, which paper will be presented at the ninth session of the Working Group on Indigenous Populations.

(b) For this the assistance of all relevant organs and bodies of the United Nations system is requested.

(c) More specifically, the assistance from UNESCO is requested and it is envisaged that the Chairman-Rapporteur will travel to Paris for one week for consultations with UNESCO.

D. Modifications required in the programme of work

6. No modification is required in the programme of work approved for 1990-1991, since this activity appears under programme element 4.2.

E. Additional requirements at full cost

7. The estimated cost of the programme of work is itemized as follows:

	1991 (US dollars)
One round trip of the Chairman-Rapporteur to UNESCO (Paris) (5 working days)	
Travel and Subsistence	2 800

8. The relevant costs to be financed under section 23 (Human Rights) are estimated at $2,800 for 1991.

F. Potential for absorption

9. This resolution is considered to be within the scope of perennial activities and resources will normally be provided under section 23 (Human Rights).

10. A decision as to whether this draft resolution could be implemented from within existing resources or additional appropriations would be required to be taken at the level of the Commission on Human Rights for further submission to the Economic and Social Council.

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DISCRIMINATION AGAINST INDIGENOUS PEOPLES

Administrative and programme budget implications of the draft resolution contained in document E/CN.4/Sub.2/1990/L.47

Statement submitted by the Secretary-General in accordance with rule 28 of the rules of procedure of the functional commissions of the Economic and Social Council

A. Requests contained in the draft resolution

1. By operative paragraph 8 of draft resolution E/CN.4/Sub.2/1990/L.47, the Sub-Commission would request the Secretary-General:

(a) To transmit the Working Group's report to governments, indigenous peoples, intergovernmental and non-governmental organizations, as soon as possible after the present session of the Sub-Commission, for specific comments and suggestions aimed at the clarification, simplification, and generalization of the texts contained in the annexes to its report;

(b) To ensure that all meetings of the Working Group at its ninth and future sessions are provided with interpretation and documentation in both Spanish and English;

(c) To prepare a brief note on the financial implications of convening one or more of the future sessions of the Working Group in Latin America or Asia, for consideration by the Working Group at its ninth session;

(d) To organize a regional training course in Latin America on the United Nations, human rights, and indigenous peoples, as a matter of the highest priority, and in accordance with Sub-Commission resolution 1989/35, and for this purpose to utilize to the greatest possible extent the expertise of the members of the Working Group and of indigenous peoples' organizations;

(e) To give all necessary assistance to the Working Group in discharging its tasks, including the more effective dissemination of information about its activities to indigenous peoples in every country to encourage their wider participation.

2. By operative paragraph 9 of the draft resolution, the Sub-Commission would recommend that the Chairman-Rapporteur of the Working Group, Mrs. Daes, be entrusted with the task of preparing an extensive analytical commentary on the articles of the draft declaration, based on her first revised text, the reports of the informal drafting groups, the debate at the eighth session of the Working Group, the written observations received in accordance with operative paragraph 8 (a) above, existing international human rights instruments, and other available comments.

3. By operative paragraph 13 of the draft resolution, the Sub-Commission would further recommend the following draft decision to the Commission on Human Rights for adoption:

> The Commission on Human Rights, noting Sub-Commission on Prevention of Discrimination and Protection of Minorities resolution 1990/... of 1990, decides to recommend to the Economic and Social Council that the Working Group on Indigenous Populations be authorized to meet for 10 working days prior to the forty-third session of the Sub-Commission, for the purpose of intensifying its efforts to complete a draft declaration on the rights of indigenous peoples in consultation with interested governments and organizations of indigenous peoples.

B. Relationship of requests to programme of work

4. The activities referred to above fall under chapter 6, section II, "Programme: Centre for Human Rights", subprogramme 2, "Elimination and prevention of discrimination and protection of minorities and vulnerable groups", the objectives of and the strategy for which are described in paragraphs 6.25 and 6.27 of the medium-term plan for the period 1984-1989 (A/37/6) as extended through 1991 (A/43/6 and Corr.1).

5. The activity is included in the programme budget for the biennium 1990-1991 under the following programme element of section 23 (Human Rights):

Programme element 2.1 - Elimination and prevention of discrimination and protection of minorities and vulnerable groups

Output: (xix) Substantive servicing of two sessions of the Working Group on Indigenous Populations.

C. Activities by which the requests would be implemented

6. The draft resolution is based on the substantive progress that was made on the working text of the draft Universal Declaration on the Rights of Indigenous Peoples during the eighth session of the Working Group on Indigenous Populations.

7. In order to carry out the requests contained in the draft resolution, the following activities are envisaged. These activities are based on a basic plan that the Chairman-Rapporteur of the Working Group on Indigenous Populations proposes to follow in the carrying out of her mandate, in particular in view of the current working method of the Working Group, based on a continued participation of and dialogue between representatives of indigenous peoples, governments and members of the Working Group. Reference is made, in this connection, to paragraphs 2 and 3 of the recommendations of the report of the eighth session of the Working Group on Indigenous Peoples (E/CN.4/Sub.2/1990/42). Programme budget implications given in the present document relate to activity (b), (c) and (d) of the plan as presented below:

(a) Copies of the Working Group's report will be transmitted to governments, indigenous peoples, intergovernmental and non-governmental organizations;

(b) The Chairman-Rapporteur will continue with the task to prepare an extensive analytical commentary on the articles of the draft declaration, based on her first revised text and the discussions during the eighth session of the Working Group. It is envisaged that the Chairman-Rapporteur will travel to Geneva for one week of consultations with the Centre for Human Rights;

(c) The Commission on Human Rights at its forty-seventh session, is requested to recommend to the Economic and Social Council to authorize the Working Group on Indigenous Populations to meet for 10 working days prior to the forty-third session of the Sub-Commission, with full interpretation and documentation facilities in the two working languages of the Working Group, which are English and Spanish. Also facilities in Russian are requested because of the expected participation of a delegation from the USSR;

(d) In accordance with Sub-Commission resolution 1989/35, the Secretary-General is requested to organize a regional training course on the United Nations, human rights and indigenous peoples, as a matter of the highest priority. For this training course a number of 35 participants is envisaged.

D. Modifications required in the programme of work

8. No modification is required in the programme of work approved for 1990-1991, since this activity appears under programme element 4.2.

E. Additional requirements at full cost

9. The estimated cost of the programme of work is itemized as follows:

	1991 (US dollars)
One round trip of the Chairman-Rapporteur to Geneva for consultations (5 working days)	
Travel and subsistence	2 200
Additional daily subsistence allowance for the members of the Working Group for one extra week	
(It has been noted that the travel expenses of the members concerned would be covered under the normal provision for the attendance at the Sub-Commission)	
Subsistence	7 400
Regional Training Course	
(On the assumption that the regional training course would be held in Geneva using the six official languages of the United Nations over a period of five days)	
Travel and subsistence 35 participants (calculated on an average cost basis (35 x $2,500))	87 500
	116 900

10. The relevant costs to be financed under section 23 (Human Rights) are estimated at $116,900 for 1991.

11. The additional conference costs under Section 29 B (Conference Services Division, Geneva) for both the extra services for the Working Group and the regional training course are calculated at $137,800 for 1991.

F. Potential for absorption

12. The decision as to whether this resolution could be implemented - either from existing resources, or be requested from the contingency fund, or through modifications of existing activities, or termination or postponement of low priority activities, would have to be taken at the level of the Commission on Human Rights for further submission to the Economic and Social Council.

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DISCRIMINATION AGAINST INDIGENOUS PEOPLES

Administrative and programme budget implications of the draft resolution contained in document E/CN.4/Sub.2/1990/L.50

Statement submitted by the Secretary-General in accordance with rule 28 of the rules of procedure of the functional commissions of the Economic and Social Council

A. Requests contained in the draft resolution

1. By operative paragraph 1 of draft resolution E/CN.4/Sub.2/1990/L.50, the Sub-Commission would recommend that the United Nations Conference on Environment and Development provide indigenous peoples' organizations with effective means of participating directly in its work, and that any new conventions which may be adopted regarding biodiversity, or conserving renewable resources, provide explicitly for the role of indigenous peoples as resource users and managers, and for the protection of indigenous peoples' right to control of their own traditional knowledge of ecosystems.

2. By operative paragraph 2 of the draft resolution, the Sub-Commission would invite the Special Rapporteur on human rights and the environment, Mrs. Ksentini, to take into account the special relationship between fragile habitats and indigenous peoples, especially with respect to sustainability, and would also invite the Special Rapporteur on compensation for human rights violations, Mr. van Boven, to address indigenous concerns in his forthcoming reports to the Sub-Commission.

3. By operative paragraph 3 of the draft resolution, the Sub-Commission would request the Secretary-General to:

(a) Convene, as soon as possible, the meeting of experts on indigenous self-government, and the technical conference on achieving environmentally sound and sustainable self-development for indigenous people, and to include indigenous experts among the invitees in accordance with existing practice;

(b) Bring this resolution to the attention of the Secretary-General of the United Nations Conference on Environment and Development and the Chairman of the Preparatory Committee for the Conference, drawing their attention in particular to the recommendations contained in operative paragraph 1, and invite them to indicate what steps they may be able to take in accordance with those recommendations;

(c) Arrange for the Centre for Human Rights to enter into discussions with United Nations operational programmes in development and environment, regarding possible mechanisms and guidelines for promoting the rights of indigenous peoples through their direct participation in the planning and implementation of projects;

(d) Invite the World Intellectual Property Organization to prepare, in consultation with other appropriate specialized agencies and indigenous peoples' organizations, recommendations concerning the protection of the intellectual property of indigenous peoples, for discussion at the Working Group's ninth session;

(e) Submit a report to its forty-third session on the measures taken to implement this resolution, and the results achieved.

B. Relationship of requests to programme of work

4. The activities referred to above fall under chapter 6, section II, "Programme: Centre for Human Rights", subprogramme 2, "Elimination and prevention of discrimination and protection of minorities and vulnerable groups", the objectives of and the strategy for which are described in paragraphs 6.25 and 6.27 of the medium-term plan for the period 1984-1989 (A/37/6) as extended through 1991 (A/43/6 and Corr.1).

5. The activity is included in the programme budget for the biennium 1990-1991 under the following programme element of section 23 (Human Rights):

Programme element 2.1 - Elimination and prevention of discrimination and protection of minorities and vulnerable groups

6. New outputs would have to be added in the programme budget for the biennium 1990-1991 under the following programme element of section 23 (Human Rights):

Output: (xxxvii) Meeting of experts on indigenous self-government and to include indigenous experts among the invitees.

Output: (xxxviii) Technical conference on achieving environmentally sound and sustainable self-development for indigenous peoples and to include indigenous experts among the invitees.

C. Activities by which the requests would be implemented

7. The draft resolution is based on Sub-Commission resolution 1989/35 on technical assistance to indigenous peoples in the fields of human rights, development and the environment; Sub-Commission decision 1989/112 on a meeting of experts on indigenous self-government, authorized by General Assembly resolution 42/47 and on Economic and Social Council decision 1990/238 authorizing it to convene a United Nations technical conference on self-development for indigenous peoples.

8. In order to carry out the requests contained in the draft resolution, the following activities are envisaged. These activities are based on the recommendations adopted at the eighth session of the Working Group on Indigenous Populations (E/CN.4/Sub.2/1990/42) and on the recommendations of the Seminar on the effects of racism and racial discrimination on the economic and social relations between indigenous peoples and States (E/CN.4/1989/22). Programme budget implications given in the present document relate to activity (c) and (d) of the plan as presented below:

(a) In view of the above resolutions and decisions as well as the report of the Working Group, the United Nations Conference on Environment and Development, through the Secretary-General, is requested to provide indigenous peoples' organizations with effective means to participate directly in its work;

(b) Both Special Rapporteurs on Human Rights and the Environment as well as on Compensation for Human Rights Violations are requested to address specific indigenous concerns in their forthcoming reports;

(c) The Secretary-General is requested to convene, as soon as possible, the meeting of experts on indigenous self-government and to include indigenous experts among the invitees;

(d) The Secretary-General is requested to convene, as soon as possible, the technical conference on achieving environmentally sound and sustainable self-development for indigenous peoples and to include indigenous experts among the invitees;

(e) The Secretary-General is requested to invite the World Intellectual Property Organization to prepare recommendations concerning the protection of the intellectual property of indigenous peoples, for discussion at the Working Group's ninth session.

(f) The Secretary-General is requested to submit a report to the forty-third session of the Sub-Commission on the measures taken and the results achieved by implementing this resolution.

D. Modifications required in the programme of work

9. New outputs would have to be added to the text of Section 23 (Human Rights) of the proposed programme budget for the biennium 1990-1991.

E. Additional requirements at full cost

10. The estimated cost of the programme of work is itemized as follows:

	1991 (US dollars)
Meeting of Experts on Indigenous Self-government (32 participants)	
Travel and subsistence */	80 000
Meeting of Experts on achieving environmentally sound and sustainable self-development for indigenous peoples (32 participants)	
Travel and subsistence */	80 000
	160 000

*/ Calculated on an average cost basis.

11. The relevant costs to be financed under section 23 (Human Rights) are estimated at $160,000 for 1991.

12. On the assumption that the meetings would be held in Geneva using three official languages of the United Nations for a period of five working days each time, the additional conference costs under Section 29 B (Conference Services Division, Geneva) are calculated at $, for 1991.

F. Potential for absorption

13. The decision as to whether this resolution could be implemented - either from existing resources, or be requested from the contingency fund, or through modifications of existing activities, or termination or postponement of low priority activities, would have to be taken at the level of the Commission on Human Rights for further submission to the Economic and Social Council.

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DISCRIMINATION AGAINST INDIGENOUS PEOPLES

Administrative and programme budget implications of the draft resolution contained in document E/CN.4/Sub.2/1990/L.51

Statement submitted by the Secretary-General in accordance with rule 28 of the rules of procedure of the functional commissions of the Economic and Social Council

A. Requests contained in the draft resolution

1. By operative paragraphs 3 and 4 of draft resolution E/CN.4/Sub.2/1990/L.51, the Sub-Commission would request the Special Rapporteur, Mr. Miguel Alfonso Martínez, to submit a preliminary report on his study to the Working Group at its ninth session and to the Sub-Commission at its forty-third session and would further request the Secretary-General to provide the Special Rapporteur with all the necessary assistance to timely carry out his study; in particular the necessary consultancy originally foreseen and a study of trindigenous peoples to both Washington and Seville.

B. Relationship of requests to programme of work

2. The activities referred to above fall under chapter 6, section II, "Programme: Centre for Human Rights", subprogramme 4, "Standard setting, research and studies", the objectives of and the strategy for which are described in paragraphs 6.38 and 6.40 of the medium-term plan for the period 1984-1989 (A/37/6) as extended through 1991 (A/43/6 and Corr.1).

3. The activity is included in the programme budget for the biennium 1990-1991 under the following programme element of section 23 (Human Rights):

Programme element 4.2 - Research and studies

Intermediate Output: Assistance to Special Rapporteurs or experts for the preparation of 15 reports, studies and working papers mandated by policy-making organs

C. Activities by which the requests would be implemented

4. The draft resolution is based on the report of the eighth session of the Working Group on Indigenous Populations (E/CN.4/Sub.2/1990/42), in particular on the Working Paper and Questionnaire submitted by the Special Rapporteur, Mr. Miguel Alfonso Martínez.

5. In order to carry our the requests contained in the draft resolution, the following activities are envisaged. These activities are based on a basic plan that the Special Rapporteur proposes to follow in the carrying out of his mandate. Programme budget implications given in the present document relate to activity (a), (b) and (c) of the plan as presented below:

(a) The draft resolution requests the Special Rapporteur to submit a preliminary report to the Working Group at its ninth session and to the Sub-Commission at its forty-third session. As indicated in his report to the Working Group, the Special Rapporteur experienced problems in carrying out his mandate in the previous year, mainly due to the unprecedented nature of the study. Before finalizing his preliminary report in April 1991, the Special Rapporteur will still need to make his trip to Washington which was scheduled for 1990 as well as another trip to Seville in the first quarter of 1991, both for five working days;

(b) The Special Rapporteur further needs the support of specialized assistance at the P-4 level, to collect, review and analyse treaties and similar arrangements relating to indigenous populations, for nine months in 1991;

(c) It is further envisaged that the Special Rapporteur will visit the Centre for Human Rights for consultations and finalization of his preliminary report in the first quarter of 1991, for a period of five working days.

D. Modifications required in the programme of work

6. No modification is required in the programme of work approved for 1990-1991, since this activity appears under programme element 4.2.

E. Additional requirements at full cost

7. The estimated cost of the programme of work is itemized as follows:

	1991 (US dollars)
One round trip of the Special Rapporteur to Washington and Seville (5 working days each time)	
Travel and subsistence	4 800
One round trip of the Special Rapporteur to Geneva for consultations with the Centre for Human Rights (5 working days)	
Travel and subsistence	3 100
Consultancy Services	
9 work months at the P-4 level	71 900
	79 800

8. The relevant costs to be financed under section 23 (Human Rights) are estimated at $79,800 for 1991.

F. Potential for absorption

9. This resolution is considered to be within the scope of perennial activities and resources will normally be provided under section 23 (Human Rights).

10. A decision as to whether this draft resolution could be implemented from within existing resources or additional appropriations would be required to be taken at the level of the Commission on Human Rights for further submission to the Economic and Social Council.

UNITED
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E

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Sub-Commission on Prevention of
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of Minorities
Forty-second session
Agenda item 15

DISCRIMINATION AGAINST INDIGENOUS PEOPLES

Administrative and programme budget implications of the draft resolution contained in document E/CN.4/Sub.2/1990/L.53

Statement submitted by the Secretary-General in accordance with rule 28 of the rules of procedure of the functional commissions of the Economic and Social Council

A. Requests contained in the draft resolution

1. By operative paragraph 3 of draft resolution E/CN.4/Sub.2/1990/L.53, the Sub-Commission would request the Secretary-General to:

(a) Transmit the working paper of Mr. Eide and Mrs. Mbonu, through the Commission on Human Rights, to the Economic and Social Council;

(b) Bring the working paper of Mr. Eide and Mrs. Mbonu, together with the recommendations contained in its resolution 1989/36, to the attention of the forty-fifth session of the General Assembly in connection with its consideration of Economic and Social Council decision 1990/248;

(c) Report to the forty-third session of the Sub-Commission on the disposition of the recommendations contained in Economic and Social Council decision 1990/248, Sub-Commission resolution 1989/36, and the present resolution.

2. By operative paragraph 4 of the draft resolution, it would request Mr. Eide and Mrs. Mbonu to submit at its forty-third session, a second working paper providing more specific suggestions for activities that might be carried out at the national and international levels, indicating the geographical scope and the relevant groups which should be encouraged to participate in the activities of the year.

3. By operative paragraph 5 of the draft resolution, it further requests Mr. Eide and Mrs. Mbonu to evaluate the achievements made when the programme has been carried out, at the end of the international year.

B. Relationship of requests to programme of work

4. The activities referred to above fall under chapter 6, section II, "Programme: Centre for Human Rights", subprogramme 4, "Standard setting, research and studies", the objectives of and the strategy for which are described in paragraphs 6.38 and 6.40 of the medium-term plan for the period 1984-1989 (A/37/6) as extended through 1991 (A/43/6 and Corr.1).

5. The activity is included in the programme budget for the biennium 1990-1991 under the following programme element of section 23 (Human Rights):

Programme element 4.2 - Research and studies

Intermediate Output: Assistance to Special Rapporteurs or experts for the preparation of 15 reports, studies and working papers mandated by policy-making organs.

C. Activities by which the requests would be implemented

6. It is envisaged that the Special Rapporteur, Mrs. Mbonu, would travel to Geneva for a period of five working days for consultations with Mr. Eide and the Centre on the preparation of the second working paper to be submitted to the Sub-Commission at its forty-third session. It has been noted that no additional travel expenses would be incurred for Mr. Eide as he would be expected to be in Geneva on other official business at that time.

D. Modifications required in the programme of work

7. No modification is required in the programme of work approved for 1990-1991, since this activity appears under programme element 4.2.

E. Additional requirements at full cost

8. The estimated cost of the programme of work is itemized as follows:

	1991 (US dollars)
One round trip of the Special Rapporteur to Geneva in 1991 for consultations (5 working days)	
Travel and subsistence	2 600

9. The relevant costs to be financed under section 23 (Human Rights) are estimated at $2,600 for 1991.

F. Potential for absorption

10. This resolution is considered to be within the scope of perennial activities and resources will normally be provided under section 23 (Human Rights).

11. A decision as to whether this draft resolution could be implemented from within existing resources or additional appropriations would be required to be taken at the level of the Commission on Human Rights for further submission to the Economic and Social Council.

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E

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Forty-second session
Agenda item 17

PROMOTION, PROTECTION AND RESTORATION OF HUMAN RIGHTS AT NATIONAL, REGIONAL AND INTERNATIONAL LEVELS

Administrative and programme budget implications of the draft resolution contained in document E/CN.4/Sub.2/1990/L.61

Statement submitted by the Secretary-General in accordance with rule 28 of the rules of procedure of the functional commissions of the Economic and Social Council

A. Requests contained in the draft resolution

1. By operative paragraphs 1 and 2 of draft resolution E/CN.4/Sub.2/1990/L.61, the Sub-Commission would decide to request Mr. Mazilu to update and complete his report in the light of the discussion during the Sub-Commission's forty-second session and would further decide to invite Mr. Mazilu to present his report at its forty-third session.

2. By operative paragraph 3 of the draft resolution, it would request the Secretary-General to continue to gather and furnish to Mr. Mazilu information relating to his study, and to provide Mr. Mazilu with all the assistance he might need in completing his report, including consultation with the Centre for Human Rights.

B. Relationship of requests to programme of work

3. The activities referred to above fall under chapter 6, section II, "Programme: Centre for Human Rights", subprogramme 4, "Standard setting, research and studies", the objectives of and the strategy for which are

described in paragraphs 6.38 and 6.40 of the medium-term plan for the period 1984-1989 (A/37/6) as extended through 1991 (A/43/6 and Corr.1).

4. The activity is included in the programme budget for the biennium 1990-1991 under the following programme element of section 23 (Human Rights):

Programme element 4.2 - Research and studies

Intermediate Output: Assistance to Special Rapporteurs or experts for the preparation of 15 reports, studies and working papers mandated by policy-making organs

C. Activities by which the requests would be implemented

5. It is envisaged that Mr. Mazilu would travel to Geneva for a period of five working days in 1991 to hold consultations at the Centre for Human Rights in connection with the updating and completion of his report.

D. Modifications required in the programme of work

6. No modification is required in the programme of work approved for 1990-1991, since this activity appears under programme element 4.2.

E. Additional requirements at full cost

7. The estimated cost of the programme of work is itemized as follows:

	1991 (US dollars)
One round trip of Mr. Mazilu to Geneva in 1991 for consultations at the Centre (5 working days)	
Travel and subsistence	2 100

9. The relevant costs to be financed under section 23 (Human Rights) are estimated at $2,100 for 1991.

F. Potential for absorption

10. This resolution is considered to be within the scope of perennial activities and resources will normally be provided under section 23 (Human Rights).

11. A decision as to whether this draft resolution could be implemented from within existing resources or additional appropriations would be required to be taken at the level of the Commission on Human Rights for further submission to the Economic and Social Council.

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Forty-second session
Agenda item 4

REVIEW OF FURTHER DEVELOPMENTS IN FIELDS WITH WHICH THE SUB-COMMISSION HAS BEEN CONCERNED

Administrative and programme budget implications of the draft resolution contained in document E/CN.4/Sub.2/1990/L.62

Statement submitted by the Secretary-General in accordance with rule 28 of the rules of procedure of the functional commissions of the Economic and Social Council

A. Requests contained in the draft resolution

1. By draft resolution E/CN.4/Sub.2/1990/L.62 the Sub-Commission would decide to request the Secretary-General to give to the Special Rapporteur, Mr. Luis Varela Quiros, any assistance he may require to accomplish his work, and further decide to continue consideration of his report at its forty-third session.

B. Relationship of requests to programme of work

2. The activities referred to above fall under chapter 6, section II, "Programme: Centre for Human Rights", subprogramme 4, "Standard setting, research and studies", the objectives of and the strategy for which are described in paragraphs 6.38 and 6.40 of the medium-term plan for the period 1984-1989 (A/37/6) as extended through 1991 (A/43/6 and Corr.1).

3. The activity is included in the programme budget for the biennium 1990-1991 under the following programme element of section 23 (Human Rights):

Programme element 4.2 -	Research and studies
Intermediate Output:	Assistance to Special Rapporteurs or experts for the preparation of 15 reports, studies and working papers mandated by policy-making organs

C. Activities by which the requests would be implemented

4. It is envisaged that the Special Rapporteur would travel to Geneva in 1991 for a period of five working days to hold consultations at the Centre for Human Rights.

D. Modifications required in the programme of work

5. No modification is required in the programme of work approved for 1990-1991, since this activity appears under programme element 4.2.

E. Additional requirements at full cost

6. The estimated cost of the programme of work is itemized as follows:

	1991 (US dollars)
One round trip of the Special Rapporteur to Geneva in 1991 for consultations at the Centre (5 working days)	
Travel and subsistence	3 800
General temporary assistance	
Three work-months at the P-3 level	20 800
	24 600

7. The relevant costs to be financed under section 23 (Human Rights) are estimated at $24,600 for 1991.

F. Potential for absorption

8. This resolution is considered to be within the scope of perennial activities and resources will normally be provided under section 23 (Human Rights).

9. A decision as to whether this draft resolution could be implemented from within existing resources or additional appropriations would be required to be taken at the level of the Commission on Human Rights for further submission to the Economic and Social Council.